

Amendment No. 1 to HB3040

Coleman
Signature of Sponsor

AMEND Senate Bill No. 2890*

House Bill No. 3040

by deleting all language after the enacting clause and by substituting instead the following:

Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following as a new section:

Section 38-3-124.

(a) The chief law enforcement officer of a county or municipal law enforcement agency may request and shall be granted from the clerk of the appropriate court, or other authorized officer, an agreed-upon number of signed but otherwise blank subpoenas, as authorized by Rule 17(a) of the Tennessee Rules of Criminal Procedure, for use by the requesting law enforcement agency.

(b) The number and frequency with which blank subpoenas are issued shall be determined by agreement between the clerk and the chief law enforcement officer, but it is the intent of this section that law enforcement officers have a sufficient number of blank subpoenas available to insure that the time of law enforcement personnel not be spent obtaining subpoenas pursuant to in Rule 17 of the Tennessee Rules of Criminal Procedure.

(c) The chief law enforcement officer of a county or municipal law enforcement agency may permit any full-time law enforcement officer who has been certified by the peace officer standards and training commission and is employed by such agency to carry blank subpoenas issued by the clerk as permitted by this section.

(d) If during the course of the officer's duties in the detection and prevention of crime, whether during the course of a criminal investigation or at the scene of a crime, the officer determines it necessary or advisable to compel the attendance of witnesses, victims, bystanders or others in court at a later date, the officer may fill in the blanks on the subpoena and immediately serve it upon the person as provided in Rule 17(f) of the Tennessee Rules of Criminal Procedure.

(e) An officer issuing and serving a subpoena pursuant to this section shall return it to the chief law enforcement officer who shall return or have returned all subpoenas issued and served by the agency pursuant to this section within three (3) days of service. The return shall be in the manner provided by law and Rule 17 of the Tennessee Rules of Criminal Procedure.

SECTION2 . This act shall take effect July 1, 2010, the public welfare requiring it.